

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARSHA BYRD,

Case No. 2:22-cv-01951-JAD-NJK

Plaintiff

ORDER

v.

JOSEPH Z. GERSTEN, et al.,

Defendants

On November 18, 2022, pro se plaintiff Marsha Byrd, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983. Docket No. 1-1. Plaintiff has neither paid the full \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*. See Docket No. 1.

I. DISCUSSION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

1 As explained above, Plaintiff has neither paid the full filing fee nor applied to proceed *in*
2 *forma pauperis*. The Court gives Plaintiff **until February 10, 2023**, to either pay the filing fee or
3 submit an application to proceed *in forma pauperis*.

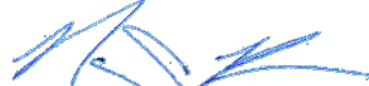
4 **II. CONCLUSION**

5 It is therefore ordered that Plaintiff has **until February 10, 2023**, to either pay the full \$402
6 filing fee or file a fully complete application to proceed *in forma pauperis* with all three required
7 documents: (1) a completed application with the inmate's two signatures on page 3, (2) a
8 completed financial certificate that is signed both by the inmate and the prison or jail official, and
9 (3) a copy of the inmate's trust fund account statement for the previous six-month period.

10 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
11 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to
12 refile the case with the Court, under a new case number, when Plaintiff can file a complete
13 application to proceed *in forma pauperis* or pay the required filing fee.

14 The Clerk of the Court is directed to send Plaintiff Marsha Byrd the approved form
15 application to proceed *in forma pauperis* for an inmate and instructions for the same and retain the
16 complaint, Docket No. 1-1, but not file it at this time.

17 DATED: December 13, 2022.

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20 NANCY J. KOPPE
21 UNITED STATES MAGISTRATE JUDGE
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